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FISCAL IMPACT STATEMENT

LS 6842

BILL NUMBER: SB 357

NOTE PREPARED: Jan 2, 2005

BILL AMENDED:

SUBJECT: Motor Vehicle Accident Reports.

FIRST AUTHOR: Sen. Waterman

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that certain reports pertaining to motor vehicle accidents are confidential for the first 60 days after filing with a public agency and may only be released to certain persons during that period. It provides that a person who discloses this confidential information commits a Class A misdemeanor. The bill provides that a person who obtains or attempts to obtain this confidential information when the person knows that the person is not entitled to receive the information commits a Class A misdemeanor.

Effective Date: July 1, 2005.

Explanation of State Expenditures: The specific fiscal impact on the State Police is not known. The proposal limits the parties to whom the accident reports may be provided for a period of 60 days. This proposal could result in the sending of additional letters of denial to requesting parties who are not included in the eligible persons to receive the report. The funds affected are the state General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund, all of which support the State Police.

Background Information: The State Police report that in 2003, there were 194,695 accident reports filed. This includes accident reports from all law enforcement agencies, both state and local. Of that total, the State Police filed 16,579 such reports. In 2002 the State Police filed 16,993 accident reports.

Explanation of State Revenues: IC 9-29-11-1 provides for a \$3 fee for copies of accident reports. Revenue to the dedicated fund has averaged approximately \$101,00 per year over the last five years. This proposal could affect revenue received.

Penalty Provision: The proposal provides for a Class A misdemeanor for disclosing confidential information and for a person who obtains or attempts to obtain the confidential information when the person knows that the person is not entitled to receive the information.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: The specific fiscal impact is not known. The proposal limits the parties to whom the accident reports may be provided for a period of 60 days. This proposal could result in the sending of additional letters of denial to requesting parties who are not included in the eligible persons to receive the report.

Penalty Provision: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Police.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: *State Police Annual Report* for 2003.

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